

### **TITLE 3. FOOD AND AGRICULTURE**

**NOTICE IS HEREBY GIVEN** that the Department of Food and Agriculture (Department) is proposing to take the action described in the Informative Digest. A public hearing is not scheduled for this proposal. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than **15 days prior to the close of the written comment period**. Any person interested may present statements or arguments in writing relevant to the action proposed to the person designated in this Notice as the contact person **beginning October 1, 2010, and ending at 5:00 p.m. on November 15, 2010**. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Department, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 407 and 10610 of the Food and Agricultural Code, and to implement, interpret or make specific sections 9166, 9167, 9562 and 10610 of said Code, the Department proposes changes to Article 12 of Chapter 2, Division 2, of Title 3 of the California Code of Regulations, as follows:

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Food and Agricultural Code section 10610 authorizes the Department to adopt regulations to control and eradicate cattle diseases, including bovine trichomonosis, through limitations on movement, diagnostic testing, vaccinations, or other appropriate methods of treatment and control. Sections 9562 and 9570 authorize the State Veterinarian to order the quarantine of diseased animals and restrict movement of infected animals or animal products to minimize the risk of an illness that could kill or seriously damage other animals or humans.

In compliance with sections 9562 and 10610 the Department has in place existing Bovine Trichomonosis Control Program regulations under Article 12 of Chapter 2, Division 2, of Title 3 of the California Code of Regulations.

This proposal amends sections 820 (Definitions), 820.3 (Requirements for Entry of Bulls into California), adds new section 820.55 (Trichomonosis Tests), and amends sections 820.6 (Reporting of Positive Test Results) and 820.7 (Trichomonosis Infected Cattle) of Article 12 (Bovine Trichomonosis Control Program). Specifically, this proposal updates the testing protocols to additionally accept the real time quantitative Polymerase Chain Reaction (qPCR) testing procedure for the detection of bovine

trichomonosis. The amendments come at the request of the Department's Cattle Health Advisory Task Force pursuant to section 10610 of the Food and Agricultural Code, made at their meeting held February 10, 2010.

### **Incorporation by Reference**

The Department is incorporating by reference the bovine trichomonosis handling protocol dated July 9, 2010. The protocol may be obtained by contacting the Department, or by contacting the California Animal Health and Food Safety laboratory, West Health Sciences Drive, Davis, California 95617-1770, or by accessing their Internet website at [cahfs.ucdavis.edu](http://cahfs.ucdavis.edu).

### **FISCAL IMPACT ESTIMATES**

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement: None

Business Impact: The Department has made the initial determination that the proposed regulatory action will not have any significant statewide adverse economic impact directly affecting California businesses including the ability of California businesses to compete with businesses in other states.

This proposal amends existing requirements for the control of bovine trichomonosis by allowing producers and veterinarians the use of an additional test used for the detection of trichomonosis. Because the requirements for California businesses and individuals are based on the voluntary use of qPCR testing, the Department has determined that no adverse impact exists with this proposal. The following compliance requirements are projected to result from the proposed action:

*Paperwork:* This proposal contains paperwork requirements consisting of laboratory testing for trichomonosis in cattle. Any person conducting trichomonosis testing for the detection of bovine trichomonosis may incur costs. Trichomonosis testing requirements are intended to control and possibly prevent a disease of cattle that will benefit California's cattle industry, promote healthy animals, and make the industry's products marketable both nationally and internationally.

*Record Keeping:* This proposal does not contain any additional record keeping requirements.

*Reporting:* This proposal does not contain any additional reporting requirements.

Impact on Jobs/New Businesses: The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

Cost Impacts on Private Persons or Entities: The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Department are:

*Paperwork:* This proposal contains paperwork requirements consisting of laboratory testing for trichomonosis in cattle. Any person conducting trichomonosis testing for the detection of bovine trichomonosis may incur laboratory costs.

*Record Keeping:* This proposal does not contain any record keeping requirements.

*Reporting:* This proposal does not contain any additional reporting requirements.

Effect on Housing Costs: None

## **EFFECT ON SMALL BUSINESS**

The Department has determined that the proposed regulations would affect small businesses.

## **CONSIDERATION OF ALTERNATIVES**

The Department must determine that no reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the hearing (if a hearing is requested) or during the written public comment period.

## **INITIAL STATEMENT OF REASONS**

The Department has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

## **TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all the information upon which the proposal is based, may be obtained by contacting the persons named below or by accessing the Department's website as indicated below in this Notice.

## **AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the persons named below.

Any person may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact persons named below or by accessing the website listed below.

## **CONTACT PERSONS**

Inquiries concerning the substance of the proposed regulations, or any written comments, facsimiles, or electronic mail concerning this proposal are to be addressed to the following:

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Website Access:

Materials regarding this proposal can be found by accessing the following Internet address: <http://www.cdfa.ca.gov/ahfss/regulations.html>